IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION NO. 2130 OF 2005

PETITIONERS : 1. Smt. Shakuntala W/o Dinesh Choubeyey, aged about 40 years .

2. Dinesh Choubey S/o Late Ram Krishna Choubey, aged about 50 years.

Both resident of Bajrang Ward No.1, Rajnandgaon, Nagar Nigam, Rajnandgaon, Tahsil and District Rajnandgaon (CG).

P.R. No. 23021/05
Presented by Shri ...
dated 25-05-05

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, Secretary Department of Home Affairs, D.K.S. Building Raipur (C.G.)

2. Director General of Police, Chhattisgarh, Police Head Quarter, Raipur, Tahsil and District Raipur (CG).

3. The Collector, Rajnandgaon,Tahsil and District Rajnandgaon (C.G.)

4. The Superintendent of Police, Police Training school, Rajnandgaon, Tahsil and District Rajnandgaon (CG).

5. District Co-operative Agriculture rural Development Bank Maryadit , Rajnandgaon, Through its Branch Mananger, Rajnandgaon, Tahsil and District Rajnandgaon (CG).

6. Vikray Adhikari / Sales Officer, District Co-operative Agriculture rural Development Bank Maryadit , Rajnandgaon, (CG).

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WRIT PETITION U/S 226/227 OF THE CONSTITUTION OF INDIA

1. **PARTICULARS OF THE PETITIONER.**

As stated in the cause title.

XI-HC-22

(106)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...WPC...2130/05 **सन्** 200

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

13-7-2005

Shri Awadh Tripathi, counsel for the petitioners.

Shri Yashwant Singh Thakur, Govt. Advocate for the State/ respondents No.1 to 4.

Shri Sandeep Dubey, counsel for respondents No.5 and 6.

Heard.

The case of the petitioners is that the petitioner No.2 is the owner of land bearing Khasra No.303/1-ka, ad measuring 4.90 acres and Khasra No.304/1-kha ad measuring 2.50 acres, total 7.40 acres and the said land has been utilized by respondents No.2 and 4 for the purpose of construction of Police Training Centre and they have encroached upon the petitioners' land without acquisition of the same and without paying any compensation.

Return has been filed on behalf of respondents No.1 to 4.

Learned counsel for respondents submitted that the respondents are not disputing that the land in question belongs to the petitioners and they have moved papers for award of compensation to the tune of Rs.6,13,288/- to the petitioners and the papers are in process and as soon as the State Government will pass the order the payment will be made.

On the other hand, learned counsel for the petitioners submitted that the land in question was taken into possession by

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(107)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
A.J	respondents No.2 and 4 in the year 1994 and the petitioners are regularly approaching them, but no compensation is being paid. Apart from that, the petitioners are in dire necessity of the money as out of that money the petitioners have to pay the loan amount taken by the petitioner No.1 for the purpose of purchasing the tractor. In the facts and circumstances of the case, as the respondents No. 1 to 4 have admitted that they had taken possession of the petitioners' land for the purpose of construction of the Police Training Centre, therefore, respondents are directed to decide the case of the petitioners and pay compensation within a period of 3 months from today in accordance with law. No further time will be granted as possession of the land in question was taken 11 years back. As far as prayer against respondents No.5 and 6 is concerned, the petitioner No.1 took the loan for purchase of the tractor by mortgaging separate land belonging to the petitioner No.1, therefore, prayer is rejected and the petitioner No.1 is directed to pay the outstanding loan in accordance with law. With the direction aforesaid, the petition stands disposed of. Parties are entitled for certified copy of this order. Sd/- L.C. Bhadoo Judge	
Barve		